

The Honorable Lauren King

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRAIDEN F. WILSON,

Defendant.

NO. CR24-093 LK

DEFENDANT'S SENTENCING
MEMORANDUM

Sentencing: 25 February 2025 at 10:00 a.m.

I. DEFENSE RECOMMENDATION

Mr. Wilson respectfully requests the court to sentence him to 5 years custody with an RDAP recommendation followed by 5 years supervised release.

II. USSG CALCULATIONS

Mr. Wilson agrees with Probation's United States Sentencing Guideline calculation of a final offense level of 35 with a criminal history category of II for a range of 188-235 months.

III. STATUTORY MANDATORY MINIMUM

The offense Mr. Wilson pleaded guilty to in count 1 has a five-year mandatory minimum sentence pursuant to 21 U.S.C. 841(b)(1)(B).

IV. BASIS FOR RECOMMENDATION

In 2005, the Supreme Court held that the mandatory nature of the Guidelines violated the Sixth Amendment and struck down those statutory provisions that made the Guidelines

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1 mandatory. *United States v. Booker*, 543 U.S. 220 (2005). Since *Booker*, courts recognize that
 2 sentencing is guided by 18 U.S.C. § 3553(a), which requires imposition of “a sentence sufficient,
 3 but not greater than necessary” to achieve the purposes of sentencing listed in § 3553(a)(2). A
 4 new category of “variances” from the Guideline range reflects a judge’s increased power to
 5 disagree with the Guideline recommendation and to impose a sentence that complies with the
 6 parsimony principle, purposes, and factors set forth in § 3553(a).

7 Mr. Wilson’s sentencing recommendation, requesting the court to vary down from the
 8 guideline range, is sufficient, but not greater than necessary, to achieve the purposes set forth in 18
 9 U.S.C. 3553(a)(2). The relevant factors for the court to consider are discussed below.

The history and characteristics of Mr. Wilson.

10 Probation’s PSR adequately details Mr. Wilson’s biography. Here Mr. Wilson
 11 emphasizes some of his history and characteristics for mitigation to support his request for the
 12 court to vary down from the guideline range.

13 Mr. Wilson’s lack of a father figure contributed to an unstable childhood.¹ His mother
 14 worked full-time and struggled with alcohol consumption. His weekend visits with his father
 15 were traumatic because his father was bipolar, unpredictable and hit him. Mr. Wilson, an
 16 intelligent and sensitive child, reacted strongly to this trauma. His mother’s distance while at
 17 home because of alcohol and his father’s unpredictable violence, made him feel unsafe. At a
 18 young age he succumbed to oblivion in video games. He found himself drawn to military games,
 19 especially “Call of Duty”. The game emphasized firearm variety, use and tactics. It helped
 20 satisfy his need for learning self-protection.

21 Mr. Wilson also felt insecure at school and began acting out in the 6th grade. He was
 22 diagnosed with ADHD, given an IEP and 504 plan, and settled on medication, Ritalin. He was
 23 then a decent student until a junior at Skyline High School in 2012 when he quit Ritalin, felt

24 ¹ Mr. Wilson’s father has rejected supporting him from the beginning of this case.
 25

1 bored with school and dropped out. He began hanging out with peers that attended Tiger
2 Mountain High School. These new friends, like Mr. Wilson, avidly pursued body building, an
3 activity cultivated for self-protection. He tried to finish high school at Tiger Mountain but found
4 the environment bad. Instead, he dropped out and got introduced to illegal steroids through
5 bodybuilding. Through illegal steroids, he was soon introduced to cocaine and ecstasy.

6 Mr. Wilson found similar oblivion in drugs that he found in video games. He soon
7 needed chemical dependency treatment. He completed a 90-day inpatient program at Olalla
8 Recovery in 2015. He did well after completing treatment but had some brushes with the law.
9 He earned his high school diploma at Renton Technical College in 2019. Unfortunately, around
10 this time he received a diagnosis for bi-polar disorder and was put on Wellbutrin and back on
11 stimulants, Adderall and Vyvanse. He rapidly consumed higher doses of stimulant medication.
12 This ended with his medical provider cancelling his prescriptions and reporting him to the DEA
13 for abuse.

14 Sadly, being cut off from his prescriptions prompted Mr. Wilson's foray into drug
15 manufacturing. He researched how to make a close analogue of Adderall, 4F-MPH. His success
16 in this difficult task allowed him to further his stimulant addiction and escalate his drug
17 trafficking. Forensic psychiatrist, Mark Koenig, MD, voices skepticism of his bi-polar
18 diagnosis. *Exhibit 1 – Forensic psychiatric evaluation, 12/3/2024, pg. 1 and Evaluation summary*
19 *letter, 9/30/2024, pg. 1 and CV.*

20 Mr. Wilson also became involved with co-defendant, Chandler Bennett, in 2019. Ms.
21 Bennett brought a severe addiction to opioids to the relationship. She also brought significant ties
22 to the local criminal element. Mr. Wilson was not well versed with this crowd. His frustration
23 with their predatory nature led the couple on an odyssey around the country in search of a reliable
24 source of drugs. This search failed and ended when his vehicle fell on him while changing oil in
25 a parking lot. Mr. Wilson suffered life-threatening injuries including significant head injury.

1 Their return to this area found them increasing their reliance on their own drug production
 2 and distribution which led to the charged conduct herein. As their success became obvious, the
 3 local criminal element barraged them with efforts to steal their drugs, money, property and
 4 equipment. The extent of these attacks is unclear, but Mr. Wilson was also at the extreme end of
 5 stimulant abuse suffering constant anxiety and paranoia. *Id.* In this phase he became obsessed
 6 with protecting him and Ms. Bennett by collecting firearms, ammunition and explosives. *Id.*

7 Mr. Wilson knows he did wrong and regrets the poor decisions that led to his conduct.
 8 *Exhibit 2* - Letter accepting responsibility. His arrest, confinement and pending lengthy prison
 9 sentence has generated an about face attitude. *Id.* With his great capacity for research and
 10 planning, he has charted an educational and career course that he can accomplish through BOP.
 11 *Id.* He is happy with his family's support, but he also knows he must earn their trust. He knows
 12 he will be successful by relying on his core value of earnestness learned in his multigenerational
 13 home. *Exhibit 3*, support letters.

14 **The nature and circumstances of the offense.**

15 Mr. Wilson recognizes his conduct was off the charts wrong. *Exhibit 2*. His conduct was
 16 escalatory in nature. His characteristics of intelligence and focus combined with his stimulant
 17 abuse contributed to making him oblivious to his conduct, which escalated to the extreme.
 18 Forensic psychiatrist Mark Koenen focuses on Mr. Wilson's stimulant abuse paranoia
 19 contributing to his obsessive procurement of weapons for protection. *Exhibit 1*. It is reasonable
 20 to also conclude that stimulant use and personality type propelled him into the extremely detailed
 21 nature of drug making and dark web dealing. While the arms collection is concerning, there is no
 22 evidence that he was stealing or selling firearms. It is reasonable to conclude that the weapon
 23 collection resulted from paranoia induced by stimulant abuse versus any kind of sociopathic
 24 etiology. Mr. Wilson did not intend to harm anyone, and he is thankful that none of the
 25 speculative harm recited by Probation did not occur. Most important when acknowledging such
 extreme conduct is he recognizes he cannot reoffend. It is encouraging he has rationally

1 responded to detention as an opportunity for rehabilitation by charting a course for a successful
2 law-abiding life.

3 **The need for the sentence imposed.**

4 The recommended sentence reflects the seriousness of the offenses by recognizing how
5 profoundly impactful his arrest and time in custody have been for Mr. Wilson. It balances the
6 length of confinement with his relatively minor criminal history and limited prior custodial
7 sentences, the longest being 60 days on a 90-day sentence. It considers Mr. Wilson has no prior
8 felony convictions. Because his conduct began well before age 27, the recommended sentence
9 accounts for conduct attributable to youthful recklessness.² It reflects unaddressed childhood
10 trauma and mental illness account for his conduct. Finally, the recommended sentence recognizes
11 stimulant addiction contributed to Mr. Wilson's conduct.

12 Mr. Wilson's recommended sentence further acknowledges the seriousness of the
13 offenses because it provides severe consequences, including 3 felony convictions and significant
14 restitution. Furthermore, the recommended sentence recognizes he will not benefit from First
15 Step Act (FSA) reductions in custodial time due to the nature of his offenses. These direct and
16 serious consequences promote respect for the law. Finally, considering the above arguments, his
17 sentencing recommendation promotes respect for the law and is enough to accomplish the
18 purposes of sentencing.

19 The recommended sentence provides just punishment for the offense because it considers
20 the mitigating factors discussed above that got Mr. Wilson involved in this highly detailed
21 conduct. It considers his core value for earnestness and that he has the capacity and family
22 support to ensure this never happens again. *Exhibit 3*.

23 ² For a compilation of the now significant body of research supporting the transition of
24 developing cognitive function from childhood to adulthood extending to the mid-20s, *see e.g.*
25 Catherine Insel et al., Ctr. for Law, Brain & Behav., Mass. Gen. Hosp., *White Paper on the Science of
Late Adolescence: A Guide for Judges, Attorneys, and Policy Makers* (2022).

1 Mr. Wilson's sentencing recommendation provides deterrence and protects the public
 2 because he is unlikely to reoffend due to the mitigating factors that caused his conduct, that he has
 3 learned his lesson, and he will continue rehabilitation with treatment. With these circumstances,
 4 60 months of custody is ample time for specific deterrence. The recommended sentence provides
 5 general deterrence by messaging that felony convictions and significant punishment will result
 6 even for non-street drug dealers without felony history. The public will be protected because his
 7 sentence will not receive reductions via the FSA, and he will be under strict conditions of
 8 supervision for 5 years. The many strict conditions of supervised release will protect the
 9 community by encouraging Mr. Wilson's on-going rehabilitation.

The need for the sentence to provide treatment and rehabilitation.

10 Mr. Wilson has been engaged in rehabilitation since his arrest. He has been sober and
 11 well behaved at FDC. He has acknowledged his terrible conduct. *Exhibit 2*. He has meticulously
 12 charted an educational/career training course available to him when he gets BOP placement
 13 following sentencing. *Id.* While the recommended sentence provides sufficient punishment, the
 14 sentence also encourages Mr. Wilson's ongoing rehabilitation with RDAP. This serves Dr.
 15 Koenig's belief that his risk of reoffending will be minimized with chemical dependency
 16 treatment. *Exhibit 1*, pg. 1. Mr. Wilson wants RDAP even though he is ineligible for the 1-year
 17 sentence reduction because of his offenses.

18 Mr. Wilson intelligence and sensitivity amplified the trauma of his childhood. This
 19 unaddressed trauma is likely the cause of him losing his way initially. He recognizes treatment of
 20 this trauma will be essential to successful rehabilitation. Finally, conditions of supervision
 21 requiring chemical dependency treatment, mental health treatment and employment will provide
 22 continuity of services for his rehabilitation.

The need to avoid unwarranted sentence disparities.

23 Mr. Wilson is the first of one other co-defendant to be sentenced. The two of them were
 24 involved in essentially the same conduct. Mr. Wilson should receive a lower sentence because of
 25

1 his mitigating factors discussed above, he has no prior felony convictions, and he has
 2 demonstrated greater contrition and a greater desire for rehabilitation. A lower sentence for Mr.
 3 Wilson will support his rehabilitation upon release. It will allow him to re-enter the community
 4 without the interference of his relationship with Ms. Bennett. Finally, it will afford him the
 5 opportunity to gain his footing in the community to allow more complete perspective to
 6 determine the future of that relationship.

7 The statutorily declared mandatory minimum sentence of 60 months on count 1, the
 8 sentence requested here, presumes a reasonable sentence for that count. A rough calculation of
 9 the next highest guideline offense, count 2, results in a final offense level of 25 with a criminal
 10 history category of II for a range of 63-78 months.³ The sentencing commission and many state
 11 sentencing commissions, including Washington, favor concurrent sentencing because of the
 12 difficulties of “developing guidelines for sentencing defendants convicted of multiple violations
 13 of law, each of which makes up a separate count in an indictment.” USSG, Chapt. 1, Part A, 4(e).
 14 The above analysis demonstrates the recommended sentence is reasonable and avoids
 15 unwarranted sentencing disparities.

16 Probation has submitted Judiciary Sentencing Information Data from the last 5 years that
 17 provides the average (134 months) and median (120 months) length of sentences for defendants
 18 with the same scoring as Ms. Wilson sentenced under USSG §2D1.1. The data neither reflects
 19 any 18 U.S.C. §3553(a) factors nor any specific offense characteristics listed in USSG §2D1.1(b)
 20 to achieve the final offense level.

21 Mr. Wilson’s recommended sentence of 60 months custody followed by 60 months of
 22 supervised release avoids unwarranted sentencing disparities given the 18 U.S.C. §3553(a) factors
 23 discussed above. Ms. Wilson’s recommended sentence is sufficient, but not greater than
 24 necessary, to achieve the purposes set forth in 18 U.S.C. 3553(a)(2).

25 ³ $2K2.1: = 20 [(a)(4)(b)] + 4 [(b)(1)(B)] + 2 [(b)(3)(B)] = 28 - 3 [3E1.1(a)+(b)] = 25.$

V. CONCLUSION

For the above stated reasons, Mr. Wilson respectfully requests the court to sentence him as set forth above.

Dated this 18th day of February 2025.

I certify that this memorandum contains 2,192 words, a word count in compliance with the Local Criminal Rules.

/s/ Thomas D. Coe

By:

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Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that on the 18th day of February 2025, I electronically filed the foregoing and all attachments with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent electronically to the attorneys for all parties of record.

DATED this 18th day of February 2025.

/s/ Thomas D. Coe

By: _____

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